

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTWONE DORNELL GOOLSBY,

Plaintiff,

v.

LIZA ROHRER, DAN PACHOLKE,
BERNARD WARNER,

Defendants.

CASE NO. C14-5577 RBL-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL WITHOUT PREJUDICE

The District Court has referred this 42 U.S.C. §1983 civil rights action to Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

Plaintiff asks the Court to appoint counsel to represent him in this matter (Dkt. 7). There is no right to have counsel appointed in cases brought pursuant to 42 U.S.C. § 1983. Although the Court can request counsel to represent a party, 28 U.S.C. § 1915(e)(1), the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires the Court to evaluate both the likelihood of success on


1 the merits and the ability of plaintiff to articulate his claims pro se in light of the complexity of the
2 legal issues involved. *Wilborn*, 789 F.2d at 1331.

3 Plaintiff has articulated a claim that he was denied access to courts based on his transfer to
4 California prisons and his alleged inability to access Washington law (Dkt. 6). Plaintiff has multiple
5 Washington State convictions and is sentenced to life without the possibility of parole (Dkt. 6).
6 Plaintiff filed this motion at the same time that he moved for *in forma pauperis* status and filed a
7 proposed complaint (Dkt.1).

8 Defendants are in the process of appearing and waiving service and the case is not at a stage
9 where the Court can assess if plaintiff can show a likelihood of success on the merits. Further,
10 although plaintiff's handwriting sometimes is difficult to decipher, he is able to articulate his claims.

11 At this time, plaintiff has failed to show that exceptional circumstances warrant appointment
12 of counsel. The Court denies his motion for appointment of counsel without prejudice.

13 Dated this 8th day of September, 2014.

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15 J. Richard Creatura
16 United States Magistrate Judge
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